

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TONY SHANNON WOODY

V.

UNITED STATES OF AMERICA

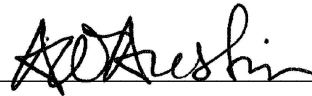
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**A-09-CA-160-LY
[1:07-CR-00215-LY-1]**

ORDER

Before the Court is Movant's Application to Proceed In Forma Pauperis filed on March 4, 2009 (Clerk's Docket No. 31). A defendant need not be granted in forma pauperis status in order to proceed with a § 2255 motion because no filing fee is required to bring a § 2255 motion in a district court. *See Bonugli v. United States*, 2007 WL 2330295, at*1 (S.D.Tex. Aug. 13, 2007); *see also* Advisory Committee Notes to Rule 3 of Rules Governing Section 2255 Proceedings in the United States District Courts ("[t]here is no filing fee required of a movant under these rules [as] ... a § 2255 motion [is] a continuation of the criminal case whose judgment is under attack"). Accordingly, Application to Proceed In Forma Pauperis is hereby DENIED AS MOOT.

SIGNED this 3 day of June, 2009.

A handwritten signature in black ink, appearing to read "A. Austin", is written over a horizontal line.

ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE